

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1-16 are cancelled.

New claims 17-20 are added.

Priority

According to the Office action summary, the priority under 35 U.S.C. 119(b) has not been acknowledged. Applicants request the examiner to acknowledge the priority under 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa et al. (US 2002/004538; hereinafter “Tagawa”) in view of Futamase et al (2004/0007120; hereinafter “Futamase”).

Claims 1-5 and 7-14 have been cancelled. Thus, the rejection as it applies to claims 1-5 and 7-14 should be withdrawn.

Regarding new claim 17, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable an **extracting unit** that extracts meta information from the contents to select the predetermined reproducing procedure from a plurality of reproducing

procedures, wherein the controlling unit controls the **timing** of informing of the occurrence of the event and the **timing** of superposition of the output of the reproducing unit and the output of the informing unit in the predetermined reproducing procedure which is selected based on the meta information extracted by the extracting unit.

Supports for the limitation “the controlling unit controls the timing of informing of the occurrence of the event and the timing of superposition of the output of the reproducing unit and the output of the informing unit in the predetermined reproducing procedure which is selected based on the meta information extracted by the extracting unit” are found in the sequence diagrams of Figs. 4-10, the timing charts of Figs. 14-18, and the corresponding descriptions of these figures in the specification.

The Office action states that Tagawa discloses in [0020] and [0026] a control unit controlling events and executing [0023] different reproduction modes previously set. However, the control unit disclosed in Tagawa merely instructs the reproduction unit to perform a fade-out process of reproducing music data and instructs the ring tone output unit to perform a fade-in process of outputting a ring tone ([0020]). There is no disclosure in Tagawa that the controlling unit controls the timing of informing of the occurrence of the event and the timing of superposition of the output of the reproducing unit and the output of the informing unit. Futamase is merely cited for the use of meta information for the controlling of the occurring event and the superposition of the reproducing unit and the informing unit. Futamase is silent that the controlling unit controls the timing of informing of the occurrence of the event and the timing of superposition of the output of the reproducing unit and the output of the informing unit.

Since some of the extracting unit limitations of claim 2 are incorporated into new claim 17, the following will discuss the rejection against claim 2.

The Office action states in rejecting claim 2 that Tagawa discloses the extracting unit ([0068]). However, the ring tone readout unit 109 (the alleged extracting unit) of Tagawa merely reads out the ring tone stored in the after-mentioned ring tone storage unit 110 ([0068]). There is no disclosure in Tagawa that the ring tone readout unit 109 extracts meta information from the contents to select the predetermined reproducing procedure from a plurality of reproducing procedures. Futamase is merely cited for the use of meta information for the controlling of the occurring event and the superposition of the reproducing unit and the informing unit. Futamase is silent about the extracting unit of the claimed invention.

Similar arguments apply to new claim 19.

Regarding new claim 18, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable an **acquiring unit** that acquires meta information corresponded to the contents from contents data including at least one of character data contained in the contents, a file name of the contents, a file form time of the contents, a file update time of the contents, a file size of the contents, a file type of the contents, a file extension of the contents, a file format of the contents, and a file header of the contents, from an external system based on the contents data, or from either one of data contained in picture recording setting information, data contained in program guide information used in a picture recording, and data contained in program guide information acquired newly after the picture recording is started, wherein the controlling unit controls the **timing** of informing of the occurrence of the event and the **timing** of superposition of the output of the reproducing unit and the output of the informing unit in the

predetermined reproducing procedure which is selected based on the meta information acquired by the acquiring unit.

Supports for the limitation “an acquiring unit that acquires meta information corresponded to the contents from contents data including at least one of character data contained in the contents, a file name of the contents, a file form time of the contents, a file update time of the contents, a file size of the contents, a file type of the contents, a file extension of the contents, a file format of the contents, and a file header of the contents, from an external system based on the contents data, or from either one of data contained in picture recording setting information, data contained in program guide information used in a picture recording, and data contained in program guide information acquired newly after the picture recording is started” are found in the paragraphs [0048]-[0049] of the specification.

Neither Tagawa nor Futamase discloses that the controlling unit controls the timing of informing of the occurrence of the event and the timing of superposition of the output of the reproducing unit and the output of the informing unit in the predetermined reproducing procedure which is selected based on the meta information acquired by the acquiring unit, as discussed above regarding new claim 17.

Since some of the acquiring unit limitations of claim 3 are incorporated into new claim 18, the following will discuss the rejection against claim 3.

The Office action states in rejecting claim 3 that Tagawa discloses an acquiring unit ([0150] acquire data) that acquires data that is corresponded to the contents. However, the music data recording medium 105 (the alleged acquiring unit) of Tagawa merely records ambient sound

such as conversation in conference, babbling sound of a stream, noise of busy train station. There is no disclosure in Tagawa that the music data recording medium 105 acquires meta information corresponded to the contents from contents data including at least one of character data contained in the contents, a file name of the contents, a file form time of the contents, a file update time of the contents, a file size of the contents, a file type of the contents, a file extension of the contents, a file format of the contents, and a file header of the contents, from an external system based on the contents data, or from either one of data contained in picture recording setting information, data contained in program guide information used in a picture recording, and data contained in program guide information acquired newly after the picture recording is started. Futamase is merely cited for the use of meta information for the controlling of the occurring event and the superposition of the reproducing unit and the informing unit. Futamase is silent about the acquiring unit of the claimed invention.

Similar arguments apply to new claim 20.


In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/599,000
Amdt. Dated: January 14, 2011
Reply to Office action of October 14, 2010

If there are any additional fees resulting from this communication, please charge same to
our Deposit Account No. 16-0820, our Order No.: 41245.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: January 14, 2011